

APPROPRIATION FOR RURAL AID.

S. B. No. 7.]

CHAPTER 36.

AN ACT appropriating one million six hundred thousand (\$1,600,000.00) per year or so much thereof as may be necessary for the next two fiscal years for the purpose of promoting rural school education and equalizing the school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts; authorizing the State Board of Education and the State Superintendent of Public Instruction to aid such schools in accordance with conditions herein specified; providing certain prerequisites for the granting of such aid; providing for the maintenance of all rural schools which meet the requirements of this Act, a term not exceeding six months out of state and county school funds; providing aid for schools where extraordinary conditions prevent schools meeting all stated requirements; providing limited equipment for rural schools that will afford instruction and demonstration in home and farm vocations; providing assistance in the formation and maintenance of rural high school districts according to a countywide plan, and providing for the payment out of this appropriation of the consolidation bonus authorized by the Thirty-ninth Legislature, Senate Bill No. 408, General Laws of the State of Texas, to districts which were denied the benefits of said bonus; providing for the use of an amount not to exceed one hundred thousand (\$100,000.00) dollars for the payment each year of high school tuition of rural school pupils according to the provisions of Chapter 181, General Laws of the State of Texas, Fortieth Legislature, regular session; providing for the administration of the funds appropriated herein by the State Board of Education and the State Superintendent of Public Instruction; providing for the manner of payment and disbursement of all moneys granted under the provisions of this Act; repealing all laws and parts of laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. For the purpose of promoting the public school interests of rural schools and equalizing the educational opportunities afforded by the state to all children of scholastic age living in small and financially weak school districts, there is hereby appropriated out of the general revenue one million six hundred thousand (\$1,600,000.00) dollars, or such part thereof as may be necessary, for the school year ending August 31, 1928, and one million six hundred thousand (\$1,600,000.00) dollars, or such part thereof as may be necessary, for the school year ending August 31, 1929, to be used in accordance with the following provisions of this Act.

SEC. 2. State aid under the provisions of this Act may be distributed in such way to assist all schools of not more than 300 scholastic enrollment located in common or independent districts of not more than 400 scholastics to maintain the school solely out of State and County available funds for a term not to exceed six months; provided that if the school has sufficient funds from State and County available, together with its local maintenance tax, to maintain the desired term, not to exceed nine months, it shall not be eligible to receive state aid, the granting of such aid to be subject to the following conditions:

1. Each school receiving this aid shall be provided with a suitable school house, erected in accordance with the Texas School House Building Law, or meeting substantially the requirements thereof, which shall be well located on a plot of ground not less than one acre in extent, properly drained.

2. Each such school shall be provided with the necessary desks, seats and blackboards, with library, maps and charts, with such heating and ventilating equipment and such sanitary closets as are approved by the State Superintendent or his representative.

3. Teachers employed in state aid schools shall furnish to the State Superintendent satisfactory evidence of professional training and teaching ability.

4. No common or independent school district shall be eligible to receive aid unless it shall be providing for the annual support of its schools by voting and levying a local school tax of not less than seventy-five cents on the hundred dollars of property valuation, and provided further that the property valuation shall not be less than said property is valued for State and County purposes, and provided further that the above requirements of a maintenance tax levy shall not apply to districts maintaining a school for Indians.

5. Each school receiving State aid under the provisions of this Act shall teach the common school subjects as prescribed by law, and shall follow the State course of study and shall be required to observe the school laws and rulings of the State Superintendent of Public Instruction and State Board of Education.

6. Under the provisions of this Act no one-teacher school, with an enrollment of more than twenty pupils, shall be eligible to receive aid, if said school offers work above the seventh grade, as outlined by the State course of study.

SEC. 3. Schools of not more than three hundred (300) and not less than twenty (20) scholastics located in districts of not more than 400 scholastic census enrollment, including transfers, complying with the foregoing conditions may send to the State Superintendent for blanks provided by the State Department of Education, a list of teachers employed in the school, showing the monthly salary, experience and training of each, together with an itemized statement of expected receipts and expenditures, the length of term, and such other information as may be required. The State Superintendent, with the approval of the State Board of Education, may then grant to the school such an amount of this fund, which, together with State and County available funds, may be necessary to maintain the school for a term not to exceed six months; provided that if the school has sufficient funds from State and County available, together with its local maintenance tax, to maintain the desired term not to exceed nine months, it shall not be eligible to receive State Aid.

It is hereby provided further that schools in sparsely settled counties, having less than 1400 scholastic population in the common school districts, may be exempted from the minimum restriction of 20 scholastics, provided that each district applying for aid votes and levies the limit of local support as provided in this bill.

SEC. 4. The maximum salaries to be paid out of State and County funds shall be according to a schedule approved by the State Board of Education. No part of the aid herein provided for shall be used for increasing the salary of any teacher, but the funds provided for in this Act shall be used for the exclusive purpose of extending the length of the school term of the schools situated in the district receiving such aid. Any district violating any of the provisions of this Act shall forfeit all rights to such aid and be disqualified to receive aid of any nature under any section herein provided. Should any school, which would otherwise be eligible to receive funds under this Act, agree, promise, or contract with teachers to pay a larger salary, during the term provided out of State funds, than is to be paid during the remainder of the term out of local funds, then such school shall forfeit its right to receive aid.

Any county in this State that has a special equalization fund, derived from State and County available funds, shall receive from the appropriation herein provided a sum not to exceed twelve thousand five hundred (\$12,500.00) dollars for each year of the biennium to supplement the equalization fund thereof, subject to the approval of the State Board of Education.

SEC. 5. In deciding upon the amount of aid to be granted to districts under the provisions of this Act, the Superintendent of Public Instruction, with the approval of the State Board of Education, shall allot the money herein appropriated to schools upon the following basis: One teacher for any number of scholastics from 20 to 35 inclusive; two teachers for any number of scholastics from 36 to 65 inclusive; three teachers for any number from 66 to 95 inclusive; four teachers for any number from 96 to 125 inclusive; five teachers for any number from 126 to 155 inclusive; and at the same rate for additional teachers. The basis for calculation shall be the net scholastic enumeration of the district for the current year, which must include all transfers into the district, and from which shall be deducted all transfers from the district; provided that in unusual or extraordinary conditions of actual enrollment an adjustment as to the number of teachers may be made by the State Superintendent, with the approval of the State Board of Education.

SEC. 6. In case of extraordinary and unusual conditions where it can be shown that its own resources are insufficient, the State Board of Education may arrange for the support of a rural school from State Aid funds for a period of not exceeding six months, even though the school district be unable to comply with the foregoing conditions; provided, however, that the

amount of the tax herein provided for must be levied and collected by said school district, and this requirement cannot be waived by the State Board of Education; and provided further that the amount granted in such case shall not exceed \$300.00.

SEC. 7. State Aid to the amount of not more than \$300.00 to any one school in a district which will provide equipment for proper instruction and demonstration in farm mechanics and carpentry, gardening and agriculture, home economics and sanitation, sewing, cooking and canning, according to plans furnished and approved by the State Department of Education, may be granted from the appropriation authorized by this Act. Each school in which such equipment has been placed by previous appropriations may receive \$100.00 for each year of this appropriation, provided the teacher employed is approved by the State Superintendent as competent for such instruction and a term report on the work done is made by the teacher in charge. It is expressly provided that the school district which applies for special aid under this section must be complying with the foregoing conditions as stated in Section 3 of this Act.

SEC. 8. It is hereby further provided that when a rural high school district is legally formed, either by action of the County Board of Education or by election of resident voters, containing not less than 40 square miles and not more than 700 scholastics of either white or colored population and providing a building and equipment, which shall meet the approval of the State Superintendent of Public Instruction, and employing three teachers, including the principal doing high school work exclusively, or such number of teachers as in the judgment of the State Superintendent of Public Instruction is needed and necessary, it may be granted out of the yearly appropriations of this Act the sum of Five Hundred (\$500.00) Dollars for each entire school district included in said grouping; provided such rural high school district is one unit in a countywide system of such high school districts mapped and planned for the entire county that has been approved by the State Superintendent of Public Instruction; provided that nothing herein shall prohibit any one such unit from receiving such aid as is provided herein on account of any other units in said County failing to comply with this Act or to put into effect the plans of the County Board of Education in mapping out said county.

Any consolidation effected during the biennium from September 1, 1925 to August 31, 1927, under the provisions of Chapter 113, Senate Bill No. 408, General Laws of the State of Texas, passed by the Thirty-ninth Legislature at its Regular Session 1925, which has been denied the benefits of the bonus of \$1,000.00 specified in said Act, upon proof of such consolidation shall receive said bonus out of the appropriation provided for in this Act.

SEC. 9. Rural high school districts, formed in accordance with Section 8 of this Act, and all consolidations heretofore formed under provisions of State aid Laws of 1923 and 1925,

which make provisions for transportation of pupils to and from said schools at public expense, may be granted from this fund in addition to the amount provided in Section 8, a sum equal to one-half the cost of transportation, amount not to exceed \$300.00 for each auto truck required, provided contracts for such transportation have been approved by the State Superintendent.

SEC. 10. It is hereby expressly provided that an amount not to exceed one hundred thousand (\$100,000.00) dollars of the appropriation made herein may be used each year of the biennium for the payment of tuition of rural high school pupils according to the provisions of Chapter 181 of the General Laws of the Fortieth Legislature, Regular Session.

SEC. 11. Except as authorized in Sections 7, 8, and 9, no district shall receive more than one thousand (\$1,000.00) dollars in any one year under the provisions of this Act.

SEC. 12. Duties of the State Superintendent of Public Instruction.—It shall be the duty of the State Superintendent, and he is hereby authorized, to take such action and to make such rules and regulations not inconsistent with the terms of this Act, as, in his opinion, may be necessary to carry out the provisions and intentions of this Act and for the best interests of the schools for whose benefit the funds are appropriated. It shall be the duty of the State Superintendent to send one of the rural school supervisors, hereby authorized, who shall make a thorough investigation in person of the grounds, buildings equipment, teaching force, and financial condition of each school applying for aid under the provisions of this Act, and aid shall not be granted unless it can be shown that all provisions of this Act and regulations made by the State Superintendent have been complied with, and that such amount of aid is actually needed.

SEC. 13. Warrants and Reports.—Warrants for all money granted under the provisions of this Act shall be transmitted by the State Superintendent of Public Instruction to treasurers or depositories of school districts to which State aid is granted in the same manner as warrants for state apportionment are now transmitted, and it shall be the duty of all treasurers or depositories to make annually itemized reports under oath to the State Superintendent of Public Instruction of the expenditures of all money granted under the provisions of this Act.

SEC. 14. Apportionment Privileges.—Rural schools accepting the provisions of this Act shall be entitled to share in the distribution of State and County available school funds, and in all other school funds in the same manner, as all other school districts; and in case high school grades are maintained, the community shall still be entitled to participate in the distribution of any State aid that may be extended by the Legislature of Texas for vocational or industrial purposes to high schools of the State.

SEC. 15. The fact that many schools in rural districts are in need of aid, and that public policy requires that proper provisions be made for the maintenance and support of our schools with as little delay as possible, and the further fact that con-

siderable time is required in preparation for carrying out the terms of this Act before the schools can take advantage of the provisions stated herein, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and this Act take effect and be in force from and after its passage, and it is so enacted.

Approved June 14, 1927.

Effective June 14, 1927.

[S. B. No. 7 passed the Senate 26 ayes, 0 nays; passed the House by a viva voce vote.]

DAVIS MOUNTAIN STATE PARK HIGHWAY.

S. B. No. 15.]

CHAPTER 37.

AN ACT making an appropriation for the survey of the Davis Mountains State Park Highway in the Davis Mountains of Texas, to be a part of the system of State Highways and providing that State convicts may be utilized in the construction of said Highway and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The State Highway Commission is hereby directed to immediately make a survey of a highway, to be a part of the system of State Highways and to be known as the Davis Mountains State Park Highway, which shall commence at the town of Fort Davis, Jeff Davis County, Texas, and extend thence to or near the Prude ranch, and thence through or near a ranch belonging to J. W. Merrell; and thence through the U-up and down lower ranch, and thence through or near the Fowlkes ranch, and thence by or near Mt. Livermore and through the U-up and down upper ranch, to the Rock Pile or Reynolds ranch, and thence by or near the Jones or Finley ranch and the Kelley ranch to the Valentine-Fort Davis Road, and thence by the Skillman Grove Camp Meeting Ground to the J. W. Merrell Home ranch and Blue Mountain to the starting point at Fort Davis, Texas.

Said Highway shall not exceed eighty (80) miles in length and shall be of such width as the Highway Commission shall prescribe, and shall traverse generally the course and the territory herein outlined along such route as may be deemed most desirable from the scenic and climatic standpoints and most advisable from the standpoint of economy of construction; provided that said Highway shall not be located except along routes where the right of way may be obtained without expense to the State, and unless the State Highway Commission shall be able to obtain donations to the State of tracts of land abutting on said highway